

By 

H. B. No. 583

A BILL TO BE ENTITLED

AN ACT

relating to certain notification requirements for an employer of a child, a person with mental retardation, or a person who is mentally incapacitated.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading for Subtitle B, Title 2, Labor Code, is amended to read as follows:

SUBTITLE B. LABOR REQUIREMENTS AND RESTRICTIONS [ON-LABOR]

SECTION 2. Subtitle B, Title 2, Labor Code, is amended by adding Chapter 53 to read as follows:

CHAPTER 53. EMPLOYER NOTIFICATION REQUIREMENTS

Sec. 53.001. DEFINITION. In this chapter, "child" means an individual under 18 years of age.

Sec. 53.002. NOTIFICATION TO EMPLOYEE'S PARENT OR GUARDIAN.

(a) An employer who employs a person who is a child, a person with mental retardation, or a person who is mentally incapacitated shall notify that person's parent or legal guardian if the employer also employs a person who the employer knows is:

(1) a releasee under the supervision of the pardons and paroles division of the Texas Department of Criminal Justice;  
or

(2) under community supervision for an offense under Title 5, Penal Code.

(b) Notice required by this section must be in writing and

1 delivered personally to the parent or legal guardian or, if  
2 personal delivery is not possible, by certified mail.

3 Sec. 53.003. CAUSE OF ACTION FOR FAILURE TO NOTIFY.

4 (a) Failure by an employer to notify a person entitled to notice  
5 under this chapter may be made the basis for a statutory cause of  
6 action under this chapter on proof that:

7 (1) the person is the parent or legal guardian of an  
8 employee who suffered an injury or damages resulting from an action  
9 by a person described by Section 53.002(a)(1) or (2); and

10 (2) the employer's failure to provide the notice was a  
11 proximate cause of the injury or damages.

12 (b) This section does not affect the right of any person to  
13 bring a common law cause of action against another person whose  
14 conduct resulted in personal injury or damages to the person  
15 bringing the action.

16 SECTION 3. This Act takes effect September 1, 1999.

17 SECTION 4. The importance of this legislation and the  
18 crowded condition of the calendars in both houses create an  
19 emergency and an imperative public necessity that the  
20 constitutional rule requiring bills to be read on three several  
21 days in each house be suspended, and this rule is hereby suspended.

**76TH LEGISLATURE**

**COAUTHOR AUTHORIZATION**

(please request your coauthors to sign this form  
in lieu of the front or the back of the original bill)

For chief clerk use only

Bill or Resolution Number: HB 583

  
signature of primary author

ALLEN  
printed name of primary author

JAN 08 1999

Date

PERMISSION TO SIGN HB 583 HAS BEEN GIVEN TO (check only one of the following):  
(bill or resolution #)

☒ ALL REPRESENTATIVES

☐ THE FOLLOWING REPRESENTATIVE(S): \_\_\_\_\_

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:


<u>A2120 Alexander</u>	<u>        </u> Date	<u>A2600 Counts</u>	<u>        </u> Date	<u>A2795 Farabee</u>	<u>        </u> Date
<u>A2115 Allen</u>	<u>        </u> Date	<u>A2605 Crabb</u>	<u>        </u> Date	<u>A2810 Farrar</u>	<u>        </u> Date
<u>A2105 Alvarado</u>	<u>        </u> Date	<u>A2610 Craddick</u>	<u>        </u> Date	<u>A2840 Flores</u>	<u>        </u> Date
<u>A2135 Averitt</u>	<u>        </u> Date	<u>A2615 Crownover</u>	<u>        </u> Date	<u>A2920 Gallego</u>	<u>        </u> Date
<u>A2160 Bailey</u>	<u>        </u> Date	<u>A2645 Cuellar</u>	<u>        </u> Date	<u>A2930 Garcia</u>	<u>        </u> Date
<u>A2205 Berman</u>	<u>        </u> Date	<u>A2635 Culberson</u>	<u>        </u> Date	<u>A2940 George</u>	<u>        </u> Date
<u>A2250 Bonnen</u>	<u>        </u> Date	<u>A2670 Danburg</u>	<u>        </u> Date	<u>A2935 Giddings</u>	<u>        </u> Date
<u>A2275 Bosse</u>	<u>        </u> Date	<u>A2620 Davis, John</u>	<u>        </u> Date	<u>A2880 Glaze</u>	<u>        </u> Date
<u>A2260 Brimer</u>	<u>        </u> Date	<u>A2625 Davis, Yvonne</u>	<u>        </u> Date	<u>A2985 Goodman</u>	<u>        </u> Date
<u>A2265 Brown, Betty</u>	<u>        </u> Date	<u>A2680 Delisi</u>	<u>        </u> Date	<u>A2990 Goolsby</u>	<u>        </u> Date
<u>A2270 Brown, Fred</u>	<u>        </u> Date	<u>A3385 Denny</u>	<u>        </u> Date	<u>A3005 Gray</u>	<u>        </u> Date
<u>A2255 Burnam</u>	<u>        </u> Date	<u>A2690 Deshotel</u>	<u>        </u> Date	<u>A3000 Green</u>	<u>        </u> Date
<u>A2300 Capelo</u>	<u>        </u> Date	<u>A2705 Driver</u>	<u>        </u> Date	<u>A3010 Greenberg</u>	<u>        </u> Date
<u>A2400 Carter</u>	<u>        </u> Date	<u>A2665 Dukes</u>	<u>        </u> Date	<u>A3020 Grusendorf</u>	<u>        </u> Date
<u>A2585 Chavez</u>	<u>        </u> Date	<u>A2660 Dunnam</u>	<u>        </u> Date	<u>A3030 Gutierrez</u>	<u>        </u> Date
<u>A2480 Chisum</u>	<u>        </u> Date	<u>A2650 Dutton</u>	<u>        </u> Date	<u>A3035 Haggerty</u>	<u>        </u> Date
<u>A2525 Christian</u>	<u>        </u> Date	<u>A2770 Edwards</u>	<u>        </u> Date	<u>A2695 Hamric</u>	<u>        </u> Date
<u>A2520 Clark</u>	<u>        </u> Date	<u>A2760 Ehrhardt</u>	<u>        </u> Date	<u>A3160 Hardcastle</u>	<u>        </u> Date
<u>A2435 Coleman</u>	<u>        </u> Date	<u>A2775 Eiland</u>	<u>        </u> Date	<u>A3170 Hartnett</u>	<u>        </u> Date
<u>A2565 Cook</u>	<u>        </u> Date	<u>A2785 Elkins</u>	<u>        </u> Date	<u>A3345 Hawley</u>	<u>        </u> Date
<u>A2595 Corte</u>	<u>        </u> Date	<u>A2790 Ellis, Dan</u>	<u>        </u> Date	<u>A3180 Heflin</u>	<u>        </u> Date

For chief clerk use only  
Bill or Resolution Number: HB 583

A3310 Hilbert	Date	A3715 Madden	Date	A4435 Shields	Date
A3250 Hilderbran	Date	A3750 Marchant	Date	A4445 Siebert	Date
A3275 Hill	Date	A2700 Maxey	Date	A4525 Smith	Date
A3270 Hinojosa	Date	A3665 McCall	Date	A4530 Smithee	Date
A3305 Hochberg	Date	A3650 McClendon	Date	A4550 Solis, Jim	Date
A3290 Hodge	Date	A3845 McReynolds	Date	A4560 Solis, Juan	Date
A3325 Homer	Date	A3840 Merritt	Date	A4505 Solomons	Date
A3320 Hope	Date	A3855 Moreno, Joe	Date	A4515 Staples	Date
A3315 Howard	Date	A3860 Moreno, Paul	Date	A4570 Swinford	Date
A3355 Hunter	Date	A3870 Morrison	Date	A4585 Talton	Date
A3360 Hupp	Date	A3865 Mowery	Date	A4605 Telford	Date
A3375 Isett	Date	A3885 Naishtat	Date	A4630 Thompson	Date
A3415 Janek	Date	A3890 Najera	Date	A4635 Tillery	Date
A3410 Jones, Charles	Date	A3895 Nixon, Joe	Date	A4650 Truitt	Date
A3405 Jones, Delwin	Date	A3900 Noriega	Date	A2730 Turner, Bob	Date
A3400 Jones, Jesse	Date	A3880 Oliveira	Date	A4685 Turner, Sylvester	Date
A3440 Junell	Date	A3886 Olivo	Date	A4690 Uher	Date
A3475 Keel	Date	A4010 Palmer	Date	A4695 Uresti	Date
A3480 Keffer	Date	A4180 Pickett	Date	A4720 Van de Putte	Date
A3470 King, Phil	Date	A4185 Pitts	Date	A4990 Walker	Date
A3465 King, Tracy	Date	A4200 Puente	Date	A4995 West, George "Buddy"	Date
A3485 Krusee	Date	A4210 Ramsay	Date	A5035 Williams	Date
A3450 Kuempel	Date	A4240 Rangel	Date	A5000 Wilson	Date
A3510 Laney	Date	A4245 Reyna, Arthur	Date	A5020 Wise	Date
A3520 Lengefeld	Date	A4236 Reyna, Elvira	Date	A5015 Wohlgemuth	Date
A3605 Lewis, Glenn	Date	A4250 Ritter	Date	A4980 Wolens	Date
A3600 Lewis, Ron	Date	A4370 Sadler	Date	A5005 Woolley	Date
A3615 Longoria	Date	A4380 Salinas	Date	A5025 Yarbrough	Date
A3620 Luna, Vilma	Date	A4420 Seaman	Date	A5040 Zbranek	Date

H.B. No. 583

A BILL TO BE ENTITLED  
AN ACT

By 

Relating to certain notification requirements for an employer of a child, a person with mental retardation, or a person who is mentally incapacitated.

JAN 08 1999

Filed with the Chief Clerk

FEB 04 1999

Read first time and referred to Committee on

Public Safety

Reported      favorably (as amended)  
(as substituted)

Sent to Committee on (Calendars)  
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)  
(record vote of      yeas,      nays,      present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of      yeas,      nays,      present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)  
(record vote of      yeas,      nays,      present, not voting)

Engrossed

Sent to Senate

\_\_\_\_\_  
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on \_\_\_\_\_

Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(     yeas,      nays)

Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(     yeas,      nays)

Senate and Constitutional 3 Day Rules suspended by a vote of      yeas,      nays

Read third time, \_\_\_\_\_, and passed by (a viva voce vote)  
(     yeas,      nays)

Returned to the House

\_\_\_\_\_  
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

\_\_\_\_\_ Returned from the Senate (as substituted)  
(with amendments)

\_\_\_\_\_ House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)